



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,203	01/23/2004	James D. Foresman	3498-00097	8092

26753 7590 07/15/2005

ANDRUS, SCEALES, STARKE & SAWALL, LLP
100 EAST WISCONSIN AVENUE, SUITE 1100
MILWAUKEE, WI 53202

EXAMINER

ALI, MOHAMMAD M

ART UNIT PAPER NUMBER

3744

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,203

Applicant(s)

FORESMAN, JAMES D.

Examiner

Mohammad Ali

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-14,16-19 and 21-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-3,5-14,16-19 and 21-23 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 5-11, 13-14, 16-19, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coulter (4,572,484) in view of Heinemann et al., (5,947,719) and Drago et al., (5,103,523). Coulter discloses a pallet construction procedure comprising inner 25' and outer 25 rail members, and plurality of aligned pallet 5 constructions supported by inner 25' and outer 25 rail members and movable along a circular path defined by the inner 25' and outer 25 rail members, wherein each of the plurality of aligned pallet constructions comprises a pallet deck 40 having a series of substantially parallel rows of spaced apart elongated slots, wherein the slots define apertures through the pallet deck 40, and parallel support frames 30 extending between the inner 25' and outer 25 rail members and supporting the pallet deck 40 and having at one angular brace 34 oriented at an acute angle with respect to the rows of slots.

Coulter discloses the invention substantially as claimed as stated above, the support also include horizontal brace members, the pallet 5 including support 30 are made arcuate to accommodate the circular path (see Fig. 5), a shaft/axle 42/44, bearings 110. See Fig. 1, 5 and 6. However Coulter does not disclose staggered slots in respect to slots in an adjacent row and plurality of angular cross braces which interconnect the inner, outer, leading and trailing frame members. Heinemann et al., teach the use of staggered slots 7 in respect to the slots in an adjacent row in a grate plate (pallet) construction procedure for the purpose of better supply of cooling gas. See 2, column 5, lines 42-50 and Drago et al., teach the use of angular cross braces/rods 25 connecting left and right shoulder pieces 3 and trailing and leading pieces and the parallel inner members within left right shoulder pieces 3 in a bridge construction for the purpose of strengthening the truss structure and extending load bearing capacity. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pallet construction procedure of Coulter in view of Heinemann et al., and Drago et al., such that staggered slots and plurality of angular cross braces could be provided in order to extend load bearing capacity and better supply of cooling gas.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coulter in view of Heinemann et al., Drago et al., as applied to claim 1 above, and further in view of Allen et al., (6,135,531). Coulter in view of Heinemann et al., disclose the invention substantially as claimed as stated above. However, Coulter in view of Heinemann et al., and Drago et al., do not disclose bevel welding. Allen et al., teach the

use of a bevel welding in truck trailer to carry pallets for the purpose of constructing the frame of the trailer. See Fig. 7. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pallet construction procedure of Coulter in view of Heinemann et al., Drago et al., and further in view of Allen et al., such that bevel welding could be provided in order to construct the pallet and or its support frame.

Response to Arguments

Applicant's arguments, see remarks pages 7-9, filed 06/16/05, with respect to the rejection(s) of claim(s) 1-23 under 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of new prior art as mentioned and narrated above. Regarding "No mention is made in Heinemann et al of using staggered slots to strengthen the top deck" It is an inherent property of structural or truss construction to strengthen the body as whole of the structure or the truss.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 3744

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4806. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4834

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mohammad M. Ali
July 12, 2005